

*Ser.no. 10/077,884
Amdt dated October 15, 2004
In Reply to Office Action dated April 15, 2004*

REMARKS / ARGUMENTS

Under separate cover, Applicant has filed a Petition for an Extension of Time under 37 CFR 1.136(a) for three months in order to respond to the Office Action.

Claim 1 has been amended. Claim 2, 5 to 7 and 9 remain in the application. Claims 3 and 4 have been cancelled. Claims 11 to 18 have been added

The Examiner has rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by US Patent 4,527,449 to Sydlowski et al. ("Sydlowski"). Claims 1 and 7 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,227,774 to Haughton et al. ("Haughton"). Claims 7 and 9 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Application WO 98/05459 to Credo Tool Company ("Credo").

The Applicant has amended claim 1 to include the subject matter of Claim 3 and to remove the subject matter which was previously added to Claim 1 in Applicant's response of January 12, 2004. As indicated by the Examiner in the Office Action of September 12, 2003, and repeated in the present Office Action, such an amendment places the application in a position for allowance. Applicant respectfully believes that none of the cited references, namely Sydlowski, Haughton or Credo, when read together or individually disclose, suggest, render obvious or the subject matter of the cutting edges comprising arced cutting portions arranged between the outer ends and the tip with the arced cutting portions being generally U-shaped. Each of the references disclose in their Figures a flat portion between the tip and the outer edges.

Claim 2 remains unchanged in this application. Claims 3 and 4 have been cancelled since the subject matter of these claims has now been added to Claim 1. Claims 5, 6, 7 and 9 remain unchanged in this application. Dependent Claims 11 to 16 have been added which are directed at further embodiments of the present invention. Dependent claims 17 and 18 have been added and are directed at the subject matter which was removed from Claim 1 (which was the subject matter of original Claims 8 and 10).

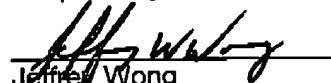
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The Applicant respectfully submits that these claims are now allowable since they are dependent on claim 1, which has been amended to include allowable subject matter.

We look forward to further communication on this application.

Respectfully submitted,

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